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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS
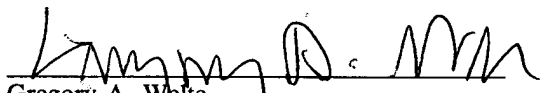
Assignee's Docket No.: 8594.00	)
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Group Art Unit: 2178	)
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Serial No.: 09/829,225	)
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Examiner: Cesar B. Paula	)
	)
Filing Date: April 9, 2001	)
	)
Title: Improved Operation of	)
Web Sites on Internet	)
	)
	)

APPEAL BRIEF
A SUMMARY OF ARGUMENT BEGINS ON PAGE 4

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CERTIFICATE OF MAILING

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Gregory A. Welte

1. REAL PARTY IN INTEREST

NCR Corporation.

2. RELATED APPEALS AND INTERFERENCES

None.

3. STATUS OF CLAIMS

Claims 1 - 18 are pending, rejected, and appealed.

4. STATUS OF AMENDMENTS

An Amendment-After-Final is submitted herewith, to correct a 112-rejection to claim 18.

5. SUMMARY OF INVENTION

Figure 2 of the Specification illustrates a microcomputer 6, operated by a person (not shown), which visits a web site 12, which is generated by server 15. (See Specification, page 3, lines 9 - 12.)

The web site 12 attempts to identify the person, perhaps by name, or perhaps by classification, such as male/female. (Specification, page 3, lines 16 - 20.)

The web site then consults a database containing customer traits, or demographic information, about the customer. (Specification, page 5, line 21 et seq.) Based on the demographic information, the web site 12 selects appropriate advertising from a collection of advertising, and presents the advertising to the visitor. (Specification, page 4, line 19 et seq.)

The web site 12 may obtain the demographic information from another web site. (Specification, page 7, line 24 et seq.)

6. ISSUES

Whether claims 1, 2, 5, 6, 8 - 11, and 14 - 17 are anticipated

under 35 USC § 102, based on a Javascript reference.

Whether claims 3 and 4 are obvious under 35 USC § 103, based on Javascript and Nehab.

Whether claims 13 and 18 are anticipated under 35 USC § 102, based on Nehab.

Whether claims 7 and 12 are obvious under 35 USC § 103, based on Javascript and Landan.

7. GROUPING OF CLAIMS

Four groups of claims are present.

Group 1:   claims 1, 2, 5, 6, 8 - 11, and 14 - 17.

Group 2:   claims 3 and 4.

Group 3:   claims 13 and 18.

Group 4:   7 and 12.

No claims in any group stand or fall together, with the following exceptions: claims 2, 8, 9, and 12 stand or fall with their parents.

8. **ARGUMENT**

SUMMARY OF MAJOR POINTS OF ARGUMENT

Claim 5

Neither the first Office Action, nor the Final Office Action, has identified the "inquiry" of claim 5(a). Appellant, in his previous Amendment (mailed September 1, 2004), requested that the "inquiry" be identified.

To date, no identification has been made.

Since claim 5(a) has not been shown in the prior art, the anticipation rejection cannot stand.

Claim 13

Claim 13 was rejected on grounds of anticipation. Claim 13(d) has not been shown, nor asserted to be present, in the applied reference. That defeats the rejection.

Claim 1

Claim 1 was rejected on grounds of anticipation, based on a Javascript reference.

The Claim

Claim 1, states that, when a person visits a web site, the web site

> -- "identifies" the person (claim 1(a)),
>
> -- performs "background research" on the person (claim 1(b)),
>
> -- "selects" "information" from a "collection of information," (Claim 1(c)),
>
> -- "selects" the "information" **"based on"** the "background research," (claim 1(c)) and
>
> -- "transmits" the "information" to the person (claim 1(d)).

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For example, when a person visits a web site, the web site may identify the person, and then locate, as "background research," stored demographic data on the person. The web site may use that demographic data to select appropriate advertising (the "information") to send to the person.

The Reference

In Javascript, when a person visits a web site, the web site can cause the person's computer to look up a "cookie," which is a small file stored in the person's computer. The cookie may contain a name, which may be the name of the person. The name can then be displayed to the person, in a greeting such as "Hello Jack Thompson, we are glad to see you again."

Reference Fails to Show Claim 1

Claim 1 is not found in Javascript, for several reasons.

REASON 1

The PTO relies on a **single event** in Javascript to show **three** (or more) claim elements. The following table illustrates the situation.

TABLE

Recitation of Claim 1	Element in Javascript Used to Show Claim Recitation
a) identifying a first visitor to the web site;	Locating name in cookie.
b) performing first background research on the first visitor;	Locating name in cookie.
c) based on the background research, selecting first information from a collection of information; and	Locating name in cookie.
d) transmitting the first information to the first visitor.	Displaying name found in cookie.

The PTO cannot use a **single** event in Javascript to show **multiple** claim recitations.

REASON 2

Claim 1(c) states that the "selecting" is done **"based on"** the "background research."

In the example above, which explains claim 1, the advertising selected would be appropriate to the demographic characteristics of the visitor, which characteristics were found in the "background research." The selection of advertising would be "based on" the demographic characteristics.

At no time has the PTO shown, or even asserted, that the "selecting" in Javascript is **"based on"** the "background research."

To repeat, the causal relationship of the "selection" being **"based on"** the "background research" has not been shown in Javascript, nor even asserted to be present.

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This fact, by itself, is sufficient to defeat the rejection. MPEP § 2131, quoted herein, requires that "each and every element" of the claims must be found in Javascript.

REASON 3

Appellant submits that the PTO's reading of claim 1(c) onto Javascript employs circular logic.

As stated above, claim 1(c) states that the "selecting" of "information" is **"based on"** the "background research."

The PTO asserts that, in Javascript,

-- the "background research" lies in finding the person's name in the cookie

and

-- the "information" "selected" is the person's name found in the cookie.

Thus, the **same element** in Javascript is being used as

-- the "background research"

and

-- the "information selected" "based on" the "background research."

To repeat, the PTO treats the person's name, found in the cookie, as **both** (1) the "background research" and (2) the "information" "selected."

Consequently, the PTO is asserting that the person's name is selected, "based on" the person's name.

That makes no sense. How can a name be selected "based on" itself ?

And where is that shown in Javascript ?

REASON 4

The PTO asserts that the display of the name in Javascript shows the "transmitt[ing]" of "information" of claim 1(d).

However, in Javascript, the name is merely shifted, or copied, from one location in the user's computer to another. The name is not "transmitted" from the web site to the user's computer.

The claimed "transmitting" is not present in Javascript.

Further, in Javascript, the web site is **unable** to obtain the name from the cookie. So the web site cannot "transmit" that name.

This is shown in the answer to the second "Q," in the "Q&A" section, where Javascript states that "There is no way to send this [cookie-] data to the server . . ." Thus, the web site **cannot** obtain the name, to send to the visitor's computer.

Therefore, in Javascript, the name is not "transmitted" **"TO"** the "visitor" as in claim 1(d). The name remains **within** the visitor's computer at all times.

The claim recitation is missing from the reference.

REASON 5

There is no actual "identifying" of a person in Javascript.

REASON 5A

The mere manipulation of a name does not amount to "identification." For example, if you copy your driver's license on a photocopy machine, have you "identified" yourself to the machine ?

Of course not. No informational content has been given to the machine, nor has the machine evaluated any information in a process of "identification."

The mere manipulation of a name does not amount to "identification." Thus, the mere reading of a name from a cookie, as in

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Javascript, does not amount to identification.

REASON 5B

Javascript locates a name in a cookie, and, if found, displays the name.

That is not "identification." The person looking at the name **already knows** his/her name. No "identification" occurs.

It could be argued that the "identification" occurs at the computer operating the web site which caused the look-up of the cookie. However, as explained above, that computer has no access to the content of the cookie, and does not receive the name. Nor does Javascript discuss any processing of the name by that computer, in a manner which would be called "identification."

REASON 5C

Javascript is consistent with the discussion above in this Reason 5. Javascript does not refer to "identification," but to "remembering" the visitor. (See section entitled "Remembering User Preferences with Cookies.")

Javascript's "remembering" does not correspond to the "identifying" of claim 1(a).

REASON 6

Claim 1(b) recites "background research **ON** the . . . visitor."

The PTO re-defines this phrase, which is not allowed.

The PTO asserts that if research is done "behind the scenes," then it is "background research."

That re-definition is simply not allowed. One reason is that the re-definition shifts the emphasis from the **subject** of the

research (ie, the "visitor") to the **person performing the research, the RESEARCHER.**

That is, the re-definition asserts that if the **RESEARCHER** is operating behind the scenes, then the research done qualifies as "background" research.

This re-definition is not allowed. Appellant's claims are applied **as written**, not as re-defined by the PTO.

REASON 7

The PTO relies on cookies in Javascript to show the claimed "identification." However, a cookie does not necessarily identify a user of a computer.

For example, assume that you (1) visit a web site, (2) give your name, and (3) the web site stores your name in a cookie in your computer.

If **your brother** then visits the web site, using your computer, the web site will fetch **your name** from the cookie, which is not your brother's name.

If this situation shows anticipation, then this is a case of "accidental anticipation." "Accidental anticipations" are those which occur only under unusual circumstances, and do not constitute anticipations under section 102. (See Law of Patents, by D. Chisum, §§ 3.03 and 3.03(2).)

In this case, the anticipation only occurs if the **same person** uses the computer in the later visit to the web site. Since most computers are probably used in multi-person households, the likelihood of the same person visiting the web site is small. For example, if four persons use the same computer equally, the probability that the name is correct is 1/4.

REASON 8

<u>Point 1</u>

The PTO asserts that learning a person's name from a cookie amounts to performing "background research" on the person.

That defies common sense.

At the time that the computer in Javascript is looking for the name, the computer does not know the name of the person.

How can you perform "background research" on a person whose name is not known ?

<u>Point 2</u>

In actual fact, Javascript in essence asks the Question, "Whose name is in the cookie containing the web site's address ?"

That is not performing "background research" on the person named in the cookie. That is simply answering the Question.

<u>Point 3</u>

It seems plain that the cookie-look-up actually performs background research on the **web site**. (The name in the cookie was obtained by the web site in past history.)

Restated, the cookie-look-up only sets forth the name which was (1) given to the web site at a previous time and (2) inserted by the web site into the cookie.

Given that fact, Appellant submits that it is incumbent on the PTO to explain how the cookie-look-up can **also** amount to "background research" on the visitor.

That is, how can the **same event** represent "background research" on **both** (1) the web site and (2) the visitor ?

Obviousness of Claims 3 and 4

The references are non-analogous. Jacascript is concerned with the use of cookies. But only web sites use cookies. Nehab

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does not use a web site, so he has no use for cookies.

Non-analogous references cannot be combined.

Additional Point

Appellant has argued that a cookie does not necessarily identify a visitor. Mistakes can be made.

The Final Action asserts that Appellant's arguments are overcome by the fact that Javascript assumes a system wherein no mistakes are made.

In response, Appellant points out that no such assumption is actually set forth in Javascript.

Further, Javascript is clearly in the nature of a press release. Press releases always "emphasize the positive," and downplay the negative. So the absence of a discussion of the mistakes is not persuasive.

Further still, the question is what Javascript teaches to a person **skilled in the art**, not what Javascript assumes. Appellant submits that any such person would recognize the mistakes which Javascript would make.

Still further, the system which Javascript describes can plainly mis-identify a visitor, as the examples given herein indicate. Thus, Javascript fails to show a system which accurately "identifies" a visitor to a web site.

Consequently, Javascript is inoperative in this respect. For a reference to be anticipatory under section 102, the reference must be enabling. (See Patents by D. Chisum, sections 3.06(1)(a) and 304(1).)

Javascript is not enabling to accurately identify visitors.

Two Comments

The preceding discussion applies to all other claims.

Not all of the points made in this Summary are elaborated below. Some are considered self-explanatory.

END SUMMARY

RESPONSE TO 102 - REJECTION OF CLAIMS 1, 2, 5, 6, and 8 - 11

The claims identified immediately above were rejected on grounds of anticipation, based on the Javascript reference.

Claim 1

Claim 1 recites:

> 1. A method of operating a web site, comprising:
>
> a) identifying a first visitor to the web site;
>
> b) performing background research on the first visitor;
>
> c) based on the background research, selecting first information from a collection of information; and
>
> d) transmitting the first information to the first visitor.

Javascript Reference

The Javascript reference discusses "cookies," as that term is used in Internet parlance. Cookies are used as follows.

When you visit a web site, the web site can store a piece of data, called a cookie, in your computer. That cookie contains the web address of the web site (such as www.uspto.gov), and it may also contain your name.

When you **later** visit the **same** web site, that web site can look through the cookies in your computer for the one containing its web address. That is, the web site looks for the cookie which

"belongs" to it.

When it finds the cookie, it can read your name (if present), and display it to you, thereby giving the impression that you are personally known the web site.

No "Identifying" Actually Found in Javascript - Part I

The PTO asserts that Javascript's locating of a name in a cookie qualifies as the "identifying" process of claim 1(a). However, that is incorrect, as will be first explained by way of analogy.

Analogy 1

If the undersigned attorney says to a dog, "Hello, puppy, my name is Greg Welte," does he thereby "identify" himself to the dog ? Of course not: the dog cannot understand English.

Analogy 2

If you make a copy of your driver's license on a photocopy machine, do you thereby "identify" yourself to the machine ? Of course not. The machine does not understand the content of the driver's license.

These Analogies make clear that merely expressing or displaying a name does not qualify as performing "identification."

One reason is that no informational content is received, or processed, by the computer. In the Analogies, the dog receives no informational content, nor does the photocopy machine.

Similarly, in Javascript, a name is merely obtained from computer memory, and placed onto a display. But, even if the name corresponds to the user of the computer, that is not "identification."

      -- Telling the user his own name does not amount to "identifying" the user.

      -- Javascript discusses no processing which would be called "identification."

Further, as will be explained later, that name is not sent to a web site. Thus, as explained in the next section, there is no "identification" to the web site.

Further still, as explained herein, the name in the cookie does not necessarily correspond to the user of the computer. In that case, **mis-identification** would occur, if the processes in Javascript actually amount to "identification."

Merely copying a name from a cookie is not "identification." That name could be processed in an "identification" process, but such a process has not been shown by the PTO.

No "Identifying" Actually Found in Javascript - Part II

As explained in the section following the next section, the

content of the cookies in Javascript **is not transmitted to any web site.** Thus, the web site being visited by a visitor never obtains the name in the cookie.

Consequently, the web site does not, and cannot, "identify" the visitor, as in claim 1(a).

Appellant points out that the structure of claim 1 indicates that the web site performs the "identifying." The Office Action relies on the visitor's computer reading of a cookie to show "identifying."

Even if that amounts to "identifying," which Appellant denies, that does not amount to the **claimed** "identifying." Under claim 1, the web site performs the "identifying."

That is not shown in Javascript, since the web site does not obtain the name from the cookie.

No "Identifying" Actually Found in Javascript - Part III

The PTO is apparently **presuming** that the name is read from the cookie, and something related to "identifying" is done. The undersigned attorney can find no such operations in Javascript, and requests that such operations be identified.

No "Identifying" Actually Found in Javascript - Part IV

It appears that, in the present context, Javascript does the following, and nothing else:

> 1) it locates a name in the cookie, and
>
> 2) it causes the name to be displayed.

Of these two operations, one is used to show the claimed "selecting." That leaves the other item, which plainly does not show "identifying." Since no other operations are present in Javascript, "identifying" has not been shown. This will be explained.

The PTO relies on the displaying operation (item (2) immediately above) to show one claim element, namely, "selecting first information . . ." The only operation remaining is the retrieval of the name (item (1) above).

But retrieval of a name, by itself, is not "identifying," as the Analogies above make clear.

Thus, the claimed "identifying" has not been shown in Javascript, because it can only be shown by item (1) above, because item (2) has already been used by the PTO, so show the "selecting."

Remaining item (1) plainly does not show "identifying."

PTO is Making Unconventional Interpretation of Claim

Appellant respectfully submits that the PTO's interpretation, while consistent with the (incorrect) notion that claim language is construed as broadly as possible, is highly unconventional.

Claim 1(c) recites obtaining "information." Claim 1(d) recites transmitting that "information" to the "visitor."

The PTO asserts that the "information" lies in the name obtained from the cookie. Thus, according to the PTO, when the name is displayed to the visitor in Javascript, the claimed "transmitting" of "information" to the "visitor" is found.

But if you tell a person his/her name, you are not giving that person any "information." The person **already knows** that supposed information. The person is not "informed" of the name.

There may be information present. For example, when you tell the person his/her name, the person then learns that **you know** the name. That could be information.

But that is not the **claimed** information. The claimed information is obtained "based on" the "background research."

Therefore, Appellant submits that telling a person's name to the person does not qualify as transmitting "information" to the person. The person already knows the name.

Claim 1(d) not Found in Javascript

Claim 1(d) recites "transmitting the first information to the first visitor." The preamble states that this "transmitting" is done as "a method of operating a web site." Thus, under the claim, the "web site" does the "transmitting."

The PTO asserts that this "transmitting" is found in the display of the name obtained from the Javascript cookie. However, that name is obtained from storage **within the user's own computer.**

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That name is not transmitted **by** the web site. It is simply
moved (or copied) from one location in the visitor's computer to
another. But the name **stays in the visitor's computer**.

This conclusion is confirmed by the second question in "Q&A"
of Javascript. The answer to that question states that

> There is no way to send this [cookie-] data to
> the server using Javascript.

Thus, the web site cannot read data in the cookie.

The "name" is already present in the user's computer. It is
not "transmitted" "to" the computer.

Therefore, claim 1(d) is not found in Javascript. The name
is not "transmitted" as claimed.

Javascript Does not Actually "Identify" Visitor

Point 1

The undersigned attorney has read the Javascript reference,
and can find no statement indicating that Javascript actually
"identifies" the visitor to a web site.

Instead, Javascript refers to "remember[ing] the user when
they come back . . ." (Section entitled "Remembering User
Preferences With Cookies.")

Those are two different concepts: identifying and remembering.
The latter, if present in Javascript, does not show claim 1(a).

This is consistent with the fact, explained in the preceding section, that, in Javascript, no data from the cookies is sent to the web site. Thus, the web site obtains nothing from which to verify the identity of the user, even if it wanted to.

In fact, it appears that the following happens. The web site prepares a web page, which is sent to the visitor's computer. The web page contains "blanks." The web site orders the visitor's computer to fill the blanks with data obtained from the cookie. But that data is not sent to the web site.

This is roughly analogous to placing a date-code in a word-processing document, which orders the document to display the current date where the code is located.

Therefore, Javascript does not actually identify the visitor. Javascript merely displays a name, if found in a cookie. That is not "identification."

This conclusion is supported by the fact, repeated herein, that Javascript does one thing: it ascertains a name stored in a cookie. Appellant submits that, if the visitor is to be truly "identified," then something must be done with that name, such as asking the visitor to confirm it, or asking for a password which is associated with it, or otherwise processing the name in a manner pursuing identification.

But Javascript does none of that.

Further, as explained below, the name can very well be

incorrect, thus defeating the notion of "identifying."

<div align="center">Point 2</div>

Javascript's self-description of "remembering" the visitor is actually incorrect. In actuality, Javascript **intends to give the impression** that the visitor is "remembered." This is done by merely repeating a name previously obtained from a visitor, and stored in a cookie.

That is not actually "remembering." It only intends to give the **impression** of "remembering." One reason is that, as explained herein, the name can be wrong.

Thus, any line-of-reasoning which intends to equate "remembering" with "identifying" would be incorrect.

An since intending-to-give-the-impression-of-remembering plainly does not show "identifying," Javascript does not show "identifying."

<div align="center">**PTO is Using SINGLE Element in Javascript to show
THREE Elements of Claim**</div>

Claim 1(a) recites identifying a visitor to a web site.

Claim 1(b) recites performing background research on the visitor.

Claim 1(c) recites "selecting . . . information from a collection of information," **based on** the "background research."

<div align="center">21</div>

The PTO relies on a **single event** in Javascript to show these three elements, namely, obtaining a name from a cookie.

MPEP § 2131 states:

> A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Three separate elements in Javascript must be shown, corresponding to the three claim recitations. That has not been done.

Different View of Preceding Point

Appellant points out that, in an abstract sense,

1) Determining the name of a person **could** amount to performing "background research" on the person;

2) Determining the name of a person **could** amount to "identifying" the person; and

3) Determining a person's name from a cookie **could** show the "selecting" of claim 1(c), since the cookie could be viewed as a "collection of information," and the name could be "selected" from the "collection."

Thus, in an abstract sense, the step of determining a person's

name **could** qualify as three different operations: "background research," "identifying," and "selecting" as in claim 1(c).

However, in this respect, Javascript only shows **one operation**: determining a person's name. That **single operation** cannot qualify as the claimed "identifying," "background research," and "selecting."

For example, as the Specification explains, the "identifying" can lead to "background research" which describes the visitor's buying habits. Based on those habits, advertising can be "selected" from a group of materials, and transmitted to the visitor.

Yet Another View

For the PTO's approach to be valid, as a minimum, Javascript must perform the reading-displaying operation several times.

> -- One operation could show the claimed "background research,"

> -- One could show the "identifying,"

> and so on.

But multiple reading-displaying operations have not been shown.

Causal Relation of Claim 1(c) Missing, and
Circular Reasoning is Being used

Claim 1(c) states that "selecting first information from a collection of information" is done, "**based on** the background research."

As explained above, the PTO finds the claimed "selecting" of "information" in Javascript's determining of the name in a cookie. The PTO also finds the claimed "background research" in **the same** determining of a name in a cookie.

The former ("selecting" of "information") cannot be "based on" the latter ("background research"), because the former and the latter are **the same**.

Stated more simply, the PTO is asserting that the name is "selected," **based on** the name. That is not possible.

That is circular reasoning.

Another View of Previous Point

In effect, the cookie is a small database, containing a few "fields." The "name-field" is one of them.

When a web site orders reading of the "name-field," it does so by calling for the value of the variable "n."[1] (See Javascript, text following "Listing 9.9.")

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[1] It could be some other variable. Appellant's copy of Javascript is somewhat illegible.

Therefore, the actual "selection" of the name is "based on" the web site's particular programming. It is not "based on" the "background research."

Further, that programming is **the same** for **ALL** visitors to the web site. (Or at least Javascript does not discuss different programming for different visitors.) This further defeats any notion that the "selection" is "based on" the "background research."

If the selection were, in fact, "based on" the background research, then different selections would be made for different persons, because different persons would have different "backgrounds." But since the **same** data is retrieved for all persons (the value of "n"), it is clearly not "based on" "background research."

The "selection" is determined, in advance, by the programming of the web site, which decides to read the name in the cookie.

The "selecting" of claim 1(c) is not found in that operation.

Claimed "Background Research" Clearly Absent from Javascript

The PTO asserts that Javascript's display of a name found in a cookie qualifies as the claimed "performing first background research on the first visitor." That is clearly incorrect, for several reasons.

Reason 1

One is that displaying a name does not amount to performing "background research." Ascertaining the name (as opposed to displaying it) may amount to such research, as explained above. But the PTO has assumed that such ascertainment is present in Javascript, and has already used it to show claim 1(a).

Reason 2

A second reason is that no "research" is performed "ON" the "visitor." That is, in actuality, the web site first looked for a cookie belonging to the web site. That is not "research" performed "ON" the "visitor." No visitor has been identified.

Restated, the finding of a cookie, and then extracting a name from it, cannot be "research" "ON" the "visitor."

-- The visitor's name is not known, or even used, in locating the cookie. The web site's Internet address is used to locate the cookie.

-- As explained elsewhere, the name in the cookie is not sent to the web site.

From another perspective, the web site lacks access to all stored cookies. The web site does not search the cookies, in the sense that a person scans a telephone book looking for an entry.

Instead, the web site states its own web address to Javascript, and the Javascript running on the person's computer

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searches the cookies for the one containing that address. That is not "research" is performed "**ON**" the "visitor." At best, that is research to find the web site's cookie.

When the correct cookie is found, the name, if present, is displayed. If that is considered "background research" performed "**ON**" the "visitor," then it duplicates the "identifying" of claim 1(a).

That is, Javascript does **one thing** with the name found in the cookie. Javascript displays that name. That cannot qualify as both the "identifying" as in claim 1(a) and the "background research" of claim 1(c).

Reason 3

A third reason is that, as explained below in greater detail, there is no certainty that the name in the cookie corresponds to the name of the visitor. For example, if you visit a web site, and give your name, a cookie may be stored in your computer. If your son then visits that web site, the web site will find the cookie, which contains you name. If the web site uses the cookie to identify your son, the web site will commit error.

Thus, a cookie does not accurately identify a visitor. Consequently, Javascript, in so using a cookie, does not show the "background research" of claim 1(c). Nor does it show the identification of claim 1(a).

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Restated, if the cookie does not correctly identify the visitor, then any "background research" is not **"ON"** the visitor.

RESPONSE TO FINAL ACTION

The Office Action, page 12 et seq., attempts to rebut these arguments and Examples, by asserting that Javascript assumes a scenario wherein the cookie correctly identifies the visitor to a web site. In response, the undersigned attorney requests that this assumption be identified in Javascript, because he cannot locate this assumption.

Further, that assumption, even if made, is false. As explained herein, the name in a cookie does not necessarily identify a visitor to a web site.

Further still, Javascript describes an actual, existing system. In that system, as explained herein, the name in a cookie does not necessarily identify a current visitor to a web site.

Still further, insofar as Javascript makes the assumption that a web site's visitor is correctly identified by a cookie, then Javascript is inoperative. As explained herein, the name in a cookie does not necessarily identify a current visitor to a web site.

For a reference to be anticipatory under section 102, the reference must be enabling. (See Patents by D. Chisum, sections 3.06(1)(a) and 304(1).) Thus, since Javascript, as interpreted by

the PTO, is inoperative, then Javascript cannot be anticipatory.

Furthermore, as explained above, Javascript does not discuss "identifying," but "remembering" a visitor. Those are different things.

And further again, the Javascript article is clearly in the nature of a press release, or advertising. It clearly is designed to emphasize positive aspects of Javascript. The mis-identification discussed herein is not emphasized in Javascript for that reason.

But Javascript is interpreted by a person skilled-in-the-art. Any such person would know immediately that, if a cookie is stored by a web site as in Javascript, and then another person visits that web site, the name in the cookie will mis-identify that person.

The fact that Javascript fails to say that is completely irrelevant. Again, references are interpreted by a person skilled-in-the-art.

SECOND RESPONSE TO FINAL ACTION

The Final Office Action re-defines the claim term "background," in "background research." That is not allowed.

Plainly, claim 1(b), in reciting "performing background research on [a visitor]," refers to "background" **of the visitor.**

Contrary to this, the Final Action (page 12) asserts that research done "behind the scenes" qualifies as "background

research." Several problems exist in this assertion.

PROBLEM 1

One problem is that, in the English language, the same word may have different meanings. For example, the word "box" may mean

    1)   to enclose in a cardboard container or

    2)   to engage in the art of fisticuffs.

That is not Appellant's fault.

Under the Law of Patents, the meaning intended by the Specification is used.

It is often said that the terms of the claims are given the "broadest possible meaning." That is not correct.

MPEP § 2173.05(a) states:

> During patent examination, the pending claims must be given the broadest reasonable interpretation **consistent with the specification**.

PROBLEM 2

A second problem is that, under the Specification, whether "background" research is being done is determined by comparing the content uncovered by the research with the person being researched. For example, if you read a biography of Abraham Lincoln, written in the year 1900, you would not, in general, be performing "background research" on John. F. Kennedy, who did not live at that

time.   However, you could obtain information about Kennedy's parents, so, to that extent, you may be performing "background research" on Kennedy.

But the criterion is whether the subject matter of the research relates to the person in question.   If not, then you are not researching his/her "background."

Contrary to this, the PTO changes the criterion, to the manner in which the **researcher** does the work.   The PTO asserts that, if the researcher does the research "behind the scenes," then the research is "background" research.   This re-definition is incorrect on its face.

Further, this re-definition makes no sense.   For example, assume that a person does research alone, in the basement of a library (which would be "behind-the-scenes).   Then, according to the PTO, the research qualifies as "background research."

Appellant's claim terms are applied, not claim terms as re-defined by the PTO.

Some Conclusions as to Claim 1

There is no "transmitting" as in claim 1(d).   The name is simply copied from one place in the visitor's computer to another.

A **single** element in Javascript is used to show **three** claim recitations.   That is not allowed.   All claim recitations must be shown in the reference.

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The Office Action relies on ascertainment of a name in a cookie to show the claimed "selecting . . . information from a collection of information," **"based on** the background research."

    -- But, under the Office Action's reading of Javascript, the "information" and the "background research" are both found in the name read from the cookie. The name cannot be "selected" "based on" the name.

    -- Any "selection" is determined, and thus "based on," the programming of the web site. Thus, the "selection" is not "based on" the "background research."

A cookie does not necessarily identify a visitor to a web site. Thus, the "identifying" of claim 1(a) is not shown in Javascript.

The PTO is not allowed to re-define "background." The claim phrase is "background research **ON** the . . . visitor." Whether the research is done within something called a "background" is irrelevant to the definition of the term. Restated, the re-definition focuses on qualities of the entity performing the research, rather than on whether the research relates to the "visitor."

Claim 2

The preceding applies to claim 2, which stands or falls with

claim 1.

Claim 5

The discussion of claims 1 and 2 apply to claim 5.

In addition, claim 5 recites:

5. A method of operating a web site, comprising:

    a) receiving an inquiry from a visitor to the
    web site;

    b) estimating whether the visitor possesses
    selected characteristics;

    c) based on the estimate, selecting first
    information from a collection of information;

    d) in response to the inquiry, selecting
    second information; and

    e) compiling the first and second information
    into a message, and transmitting the message
    to the visitor.

Even assuming _arguendo_ that the PTO's application of claim 5

to Javascript is correct, claim 5(e) has not been shown.

The "message" of claim 5(e) contains two parts, namely, the

"first information" and the "second information."

    -- The "first information" was "selected"

    "based on the estimate."

    -- The "second information" was "selected"

"in response to the inquiry."

The PTO has not shown that in Javascript.

Instead, the PTO asserts that "frames" which are displayed in Javascript correspond to the "first" and "second" "information." That is simply not so.

"Frames" appear to be mini-windows, or "panes" in a window. That is, a window can contain, for example, four documents, each in its own "frame."

But the claimed "selection" of each "frame" (ie, "based on the estimate" and "in response to the inquiry") has not been shown in Javascript.

Also, the Office Action has not identified the "inquiry" of claim 5(a). Appellant, in his previous Amendment, requested that the "inquiry" be identified. To date, no identification has been made.

Claim 6

Claim 6 recites:

> 6. Method according to claim 5, wherein
> the message comprises a web page.

Point 1

The Office Action asserts that claim 6 is shown in the Javascript discussion of

1) a cookie which contains user preferences

for viewing a web page

and

2) when a web page is visited, the web page

is displayed according to those preferences.

However, claim 6 does not recite that. One reason is that claim 6 does not discuss manner-of-display at all.

Point 2

Claim 6 states that the "message" of claim 5 includes a "web page." But it was shown that the "message" of claim 5 is not present in Javascript. Thus, the included "web page" of claim 6 cannot be present.

Point 3

In addition, the PTO asserts that Javascript discusses instructions on how to display something (ie, how to display a web page in accordance with the user preferences). It appears that the PTO is asserting that the mere inclusion of those instructions in the message shows claim 6. Appellant submits that this cannot be so.

Parent claim 5 states that the "message" is transmitted TO the "visitor." The instructions in question are not available to the visitor. Thus, they are not transmitted to the visitor.

Therefore, even if the Office Action's assertions are correct, claim 6 has not been shown.

Claims 8 and 9

Claims 8 and 9 are considered patentable, based on their parents, and stand or fall with their parents.

Claim 10

Claim 10 recites:

10. A method of operating a web site, comprising:

    a) receiving an inquiry from a visitor to the web site;

    b) ascertaining identity of the visitor;

    c) based on the identity, deriving visitor-specific information;

    d) based on the inquiry, deriving response information; and

    e) compiling the visitor-specific information and the response information into a message, and transmitting the message to the visitor.

Point 1

Claim 10(b) states that the "identity" of the visitor is ascertained. Claim 10(c) states that "visitor-specific information" is derived **based on** the identity."

As explained above, that is not found in Javascript.

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The Office Action asserts that the cookie in Javascript contains user-preferences, which the Office Action asserts to be the claimed "visitor-specific information."

However, that "visitor-specific information" is not located "based on" the "identity" of the visitor. It is located "based on" the Internet address in the cookie.

That is, the web site orders the cookie to be found. The cookie is found based on the web site's Internet address, which is contained in the cookie. Once found, the cookie provides both (1) the name of a person and (2) the supposed "visitor-specific information."

The latter (the "visitor-specific information") is not found "based on" the former (the name). Instead, they are **both found together**, using the web site's Internet address.

Point 2

The conclusion of Point 1 is supported by the fact that the presence of any name in the cookie is **voluntary**. If the visitor refuses to provide a name, the cookie still exists. (See text following "Listing 9.9.")

But the "preferences" are still present in the cookie.

Thus, when a computer visits a web site a second time, if no name is present in the cookie, the "frames" are still displayed as indicated in the cookie.

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Point 3

Appellant points out that the PTO is treating elements such as a user's preferences for viewing a web site as the "visitor-specific information" of claim 10(c). However, claim 10(e) states that the "visitor-specific information" is placed into a message, which is transmitted to the visitor.

Appellant respectfully submits that the PTO's treatment makes little sense, as an example will illustrate.

Assume that the user's preferences for viewing a web page are the following:

```
        -- Blue background
        -- 12-point font
        -- Times Bold font
        -- Red text
        -- 480 x 640 screen size
        etc.
```

These preferences indicate how the user wishes the web site is to be displayed.

Under the PTO's interpretation, the "message" of claim 10 would contain something like the following:

"Hello, visitor, your preferences are the following:

```
        Blue background
        12-point font
        Times Bold font
        Red text
        480 x 640 screen size
        etc."
```

Appellant submits that this interpretation cannot be justified. Why would the user wish to receive a message telling him of his preferences ? And where does Javascript discuss this ?

Point 4

The PTO is treating the "targeting" of Javascript as the claimed "inquiry."

However, "targeting," in essence, merely specifies **where** a requested web page is positioned on the screen. That is, the user clicks a button, calling for another web page, such as a catalog page. "Targeting" determines where, on the user's display, the catalog page appears.

Appellant points out that this process does not correspond to the claim language, which is

> a) receiving an inquiry from a visitor to the web site;
>
> . . .
>
> d) based on the inquiry, deriving response information.

Displaying a web page in a particular place, as in Javascript, in response to a user's request is not "deriving response information" as claimed. One reason is that the claim states that "deriving response information" is done **based on** the "inquiry."

What "response information" is derived when the user requests, for example, a catalog page, in the "inquiry" ?

The PTO is apparently applying the claim passages as follows. The "inquiry" of claim 10(a) is a request by a visitor to see another web page, such as a catalog page. The display of the catalog page shows claim 10(d).

However, the catalog page is not "derived" as in claim 10(d). When the user makes the supposed "inquiry," the web address of the catalog page is sent to the user's ISP, Internet Service Provider, which locates the catalog page. Or the web site may locate the catalog page.

But the catalog page is a pre-existing entity. Javascript only **finds** the catalog page.

"Finding" is not "deriving."

Point 5

Claim 10(e) states that the "derived" "response information" is placed into a "message," which is transmitted to the visitor.

That "message" has not been shown in Javascript.

Further still, claim 10(e) states that this "message" also contains the "visitor-specific information." That has not been shown in Javascript either.

Conclusion

Therefore, the "targeting" of Javascript cannot qualify as the claimed "response information." Nothing in the "targeting" is placed into a "message" of the type defined in claim 10(e).

Claim 11

Claim 11 recites:

> 11. Method according to claim 10, wherein the message comprises a web page.

Point 1

No "message" has been identified in Javascript which contains both (1) a web page and (2) the other information of parent claim 10.

Point 2

As explained above, the PTO is, in effect, asserting that the "preferences" are contained in the "message." Appellant submits that this makes very little sense, and cannot be justified without further explanation.

The preferences determine how an image is displayed. Why would those be included in a "message"?

And, as discussed above, the web site cannot obtain the content of a cookie. Yet, according to the PTO, the preferences

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are stored in the cookie. How are the preferences then obtained by the web site, for inclusion into the "message" ?

Claim 14

Claim 14 recites:

> 14. Method according to claim 1, wherein the first information is made visible to the first visitor.

The rejection of claim 14 contradicts the rejection of claim 1.

In parent claim 1, the "first information" is said to be the name read from the cookie in Javascript. In the rejection of claim 14, the "first information" is said to be a "web page, having multiple frames."

MPEP § 2131, cited above, is repeated here::

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Appellant submits that the contradictory rejections fail to conform to this MPEP section. The "first information" as recited in claim 14 has not been shown in the reference.

Claim 15

Claim 15 recites:

> 15. Method according to claim 2, wherein
> the second information is made visible to the
> second visitor.

The "second information" of parent claim 2 is that "selected" "based on" the "background research." Claim 15 states that the "second information" is "made visible" to the "visitor."

The rejection of claim 15 contradicts the rejection of parent claim 2. In the latter, the "first information" is said to be the name read from the cookie. In the former (the rejection of claim 15), the "first information" is said to be a "web page, having multiple frames."

Appellant submits that the contradictory rejections fail to conform to the MPEP section cited immediately above.

RESPONSE TO 102 - REJECTION OF CLAIMS 13 AND 18

These claims were rejected as anticipated by Nehab.

Nehab Reference

Nehab states that, while the Internet contains web pages which report news, one cannot use these web pages like a newspaper. One cannot, for example, immediately jump to the "sports page" in an Internet web page. Nehab provides a system for doing that.

Nehab's system initially "watches" a user, as the user (1) calls up a web page, and then (2) navigates to a favorite sub-page (eg, the "sports page"). Nehab's system then memorizes the sequence of mouse clicks. The user can later re-play those mouse clicks, to rapidly reach the "sports page," at a later time.

Claim 13

Claim 13 recites:

> 13. A method of operating a web site, comprising:
>
> a)   receiving an inquiry from a visitor to the web site;
>
> b)   making an estimate of selected characteristics of the visitor;
>
> c)   asking the visitor whether customer-specific information is desired and, if so, deriving customer-specific information based on the estimate;
>
> d)   based on the inquiry, selecting second information from the collection; and
>
> e)   compiling the first and second information into a message, and transmitting the message to the visitor.

Claim 13(d)

Claim 13(d) recites "based on the inquiry, selecting second information from the collection." This has not been shown in the reference, nor asserted to be present in the reference.

This fact, by itself, is sufficient to preclude rejection.

Claim 13(b)

The Office Action asserts that Nehab, column 8, lines 38 -
67, shows claim 13(b), which recites "making an estimate of
selected characteristics of the visitor." Appellant points out
that this assertion is incorrect, for several reasons.

REASON 1

The passage in Nehab discusses an "extraction rule," (column
8, lines 41, 42). This Rule allows Nehab's system to select
material on the Internet which conforms to the "user's selection
criteria." (Column 8, lines 43 - 45.)

However, this Rule is not created by the web site, as the
claim states. The **user** sets the criteria in the Rule. For
example, Nehab, column 8, lines 51 - 60 provides an example of
criteria set by the user.

The claim states that the web site makes the estimate of
"selected characteristics."

REASON 2

Claim 13(b) refers to "selected characteristics" of the user.
No reason has been given by the PTO as to why the criteria in
Nehab should indicate any "characteristics" of the user.

For example, suppose the criteria set by the user are to collect all newspaper articles on a certain World Series baseball game. What "characteristics" of the user does that indicate ?

Further, claim 13(b) refers to "**selected** characteristics." In the baseball example just given, what are the "**selected** characteristics" ?

REASON 3

No "estimate" has been shown in Nehab.

Claim 13(b) refers to an "estimate" of "selected characteristics" of the user. There is no "estimate" shown in the cited passage of Nehab.

The cited passage states that criteria are established by the user, for selecting material from a network.

Those criteria are **precise**. No "estimate" is present. For example, the example of column 8, lines 51 - 60, provides a precise, unambiguous set of criteria for selecting materials. No judgement is involved. Those criteria are not "estimates."

REASON 4

Assume that the user criteria in Nehab can be used to infer characteristics of the user. For example, the baseball example given above may indicate that the user likes the World Series. That liking could be a characteristic.

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However, Nehab does **not discuss making such inferences**. Thus, he does not show the claimed **estimating** "of selected characteristics of the visitor."

Restated, Nehab may show setting up criteria from which "characteristics" of the user may be inferred. But he does not make the actual inference, which may amount to "estimating" the "characteristics."

Claim 13(c)

Claim 13(c) recites asking "whether" the user desires "customer-specific information."

The Final Action relies on Nehab, column 10, lines 21 - 36 to show this. However, that passage does not ask the user "whether" anything is desired, but **when** "delivery time" is desired. At that desired delivery time, Nehab's system searches the Internet for the material meeting the criteria discussed above, and delivers it.

That is not asking "whether" the user desires "customer-specific information."

Claim 13(e)

Claim 13(e) states that two different types of information are compiled into a single message.

That is not found in Nehab. The Office Action presumably

asserts that the results of Nehab's search (which applies the user criteria discussed above) can contain more than one item. Thus, presumably, since more than one item is delivered to the user, claim 13(e) is supposedly found.

But that does not show the two types of information **recited**. One of those items is derived in response to the "inquiry" of claim 13(a). According to the Office Action, that "inquiry" is the actuation of a hyperlink. That is, the user visits a web site, and actuates a button which causes some additional material to be retrieved from a remote location, and displayed.

The Office Action has not shown how that material is "compiled" with other material into a single message, as in claim 13(e).

RESPONSE TO 103 - REJECTION OF CLAIMS 3 AND 4

Claims 3 and 4 were rejected as obvious, based on Javascript and Nehab.

Nehab Reference

The description of Nehab given in the preceding section is here repeated.

Nehab states that, while the Internet contains web pages which report news, one cannot use these web pages like a newspaper. One cannot, for example, immediately jump to the

"sports page" in an Internet web page. Nehab provides a system

for doing that.

Nehab's system initially "watches" a user, as the user (1)

calls up a web page, and then (2) navigates to a favorite sub-

page (eg, the "sports page"). Nehab's system then memorizes the

sequence of mouse clicks. The user can later re-play those mouse

clicks, to rapidly reach the "sports page," at a later time.

Problems with Combination

Rejection of Dependent Claim 3 is Contrary to Rejection Of Parent Claim 1

Claim 3 recites:

> 3. Method according to claim 1, wherein the first background research comprises contacting another web site.

POINT 1

The PTO asserts that Nehab creates a list of web sites visited

by a user, and thus creates "background research" on the user.

Claim 3 states that the "first background research comprises

contacting another web site." Nehab does not do that.

The list of web sites collected by Nehab did not involve

"contacting" a web site. Nehab simply observes his user, and lists

the web sites contacted.

Appellant requests that the claimed "contacting another web site" be shown in Nehab.

POINT 2

The claimed "contacting another web site" under the terms of claims 1 and 3 is done by the "web site" of claim 1. That web site is being visited by the "visitor."

No corresponding web site in Nehab has been shown.

POINT 3

In rejecting parent claim 1, the PTO asserted that the "first background research" was found when a web site looked up a name stored in a cookie.

Now, in rejecting claim 3, the PTO asserts that Nehab's list of web sites forms the "background research."

If so, then how is the name of the visitor, supposedly obtained from the cookie in Javascript and used to show the "background research" of claim 1, now obtained from the list of web sites ?

That is, how does the name of the user get included into the list of web sites, so that the name can be obtained ?

The "PTO's "first background research" in claim 3 is different from that of claim 1. Thus, claim 3 has not been shown in the references. The **same** "background research" must be present in both

claims.

POINT 4

No expectation of success has been shown, indicating that the combination of references actually works.

MPEP § 706.02(j) states:

> Contents of a 35 U.S.C. 103   Rejection
>
> . . .
>
> To   establish   a   prima   facie   case   of
> obviousness, three basic criteria must be met.
>
> . . .
>
> Second, there must be a reasonable expectation
> of success.
>
> . . .
>
> The . . . reasonable expectation of success
> must both be found in the prior art and not
> based on applicant's disclosure.

The PTO has not shown how the list of web sites found in Nehab can provide the name in Javascript, which name is found in the cookie, and which name is used by the PTO as the "background research" of claim 1.

Performing Background Research at Nehab's Web Site
Not Shown

Claim 3 does not recite merely contacting a web site, but that

"the first background research comprises contacting another web site." (For example, the web site may contain demographic data about the person who is being researched.) The "background research" is performed **ON** "the first visitor" under the language of claim 1.

No such contact of a web site has been shown in Nehab.

No Teaching Given for Combination I

The rationale given on page 10, section 14, end of second paragraph, has not shown how claim 3 is attained from the combination of references. That rationale merely asserts that it is obvious to combine the two references, but fails to state what is actually obtained from the combination.

No Teaching Given for Combination II

The rationale sets forth a few goals. (Eg, the combination allows the user to "scan data" "in a natural fashion.") However, those goals appear to be attained by Nehab, by himself. Thus, there is no reason to combine the references to attain the goals.

Restated, if Nehab, by himself, attains the goals, then why is Javascript needed ?

Thus, the goals do not suggest **combination** of the references.

References are Non-Analogous Art

Javascript is concerned with cookies, which are generated by web sites.

Nehab is concerned with a program which searches the Internet in a particular way. Nehab states that his system includes "process steps to connect to a Web site and to issue commands within the connected Web site." (Abstract, second sentence.)

Thus, Nehab connects to a web site, which may or may not be interested in using Javascript's cookies.

But Nehab, himself, has no need for cookies, because Nehab does not operate a web site. He uses **someone else's** web site.

Neither reference provides material which solves a problem faced by the other. They are non-analogous art.

Claim 4

The preceding applies to claim 4.

Missing Element

Claim 4 states that **the same web site is contacted** for **BOTH** "background researches." (For example, a credit reporting agency may be contacted for both researches.) The Office Action has not shown that, and fails to assert that the combined references show that.

MPEP § 2143.03 states:

> To establish <u>prima facie</u> obviousness . . . **all the claim limitations** must be taught or suggested by the prior art.

<u>No Teaching Given</u>

No valid teaching has been given for combining the references. The rationale given is very similar to that given for claim 3.

However, that rationale merely sets forth supposed benefits of the references, **once combined**. That is not a teaching for making the combination in the first place.

RESPONSE TO 103 - REJECTION OF CLAIMS 7 AND 12

Claim 7 was rejected as obvious, based on Javascript and Landan. Claim 7 recites:

> 7.   Method according to claim 5, wherein the message comprises an electronic mail message.

No Teaching Given for Combining References

<u>Point 1</u>

Appellant points out that the "message" is that of claim 5(e), and contains the "compiled" "first" and "second" "information."

The Office Action asserts that Landan shows sending "reports" via e-mail, and thus, presumably, asserts that Landan shows claim 7.

However, the rationale given for combining the references is

that Landan teaches rapid notification of system administrators, when a problem occurs in a web site.

This rationale has no logical connection with the e-mail reports of Landan. That is, the e-mailed "reports" of Landan are not related to the web site problems, which need rapid notification.

Thus, the rationale, as a matter of logic, does not lead to claim 7.

Restated, the rationale, if accepted as valid, leads to the addition of the following to Javascript: rapid notification of system administrators of problems in web sites. Plainly, that combination does not show claim 7. Where is the claimed e-mail message ?

And the content of the "rapid notification" in Landan does not correspond to the claimed "first" and "second" "information."

Point 2

This rationale does not show how claim 7 is obtained when the references are combined.

Point 3

This rationale merely sets forth a goal of Landan, which Landan, by himself, attains. There is no reason to add Javascript to attain that goal, nor does statement of the goal lead to a

prompting to combine the references.

This applies to claim 12.

RESPONSE TO ALL OBVIOUSNESS REJECTIONS

(CLAIMS 3, 4, 7, AND 12)

The rationales for combining references do not follow the CAFC's decision of <u>In re Dembiczak</u>, 175 F. 3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999).

In brief, Dembiczak states that

> -- **objective evidence** of a teaching for combining references must be provided;

> -- the Examiner's speculation does not qualify as objective evidence;

> -- numerous sources can provide a teaching to combine references;

> -- knowledge of one skilled in the art can act as a source;

> -- however, THE RANGE OF SOURCES AVAILABLE DOES NOT DIMINISH THE REQUIREMENT FOR ACTUAL EVIDENCE;

> -- broad conclusory statements by the Examiner do not qualify as evidence; and

> -- "particular factual findings" as to the teaching are required, and gives reasons why

facts are necessary.

In Appellant's case, all rationales for combining the references follow the same pattern. They assert that the combination of references, once combined, provides some benefits.

That does not meet the requirements of Dembiczak. "Objective evidence" of "particular fact findings" must be presented.

CONCLUSION

Appellant requests that the Board overturn all rejections, and pass all claims to issue.

Respectfully submitted,

Gregory A. Welte
Reg. No. 30,434

NCR Corporation
1700 South Patterson Blvd.
WHQ - 4W
Dayton, OH 45479
July 26, 2004
(937) 445 - 7663
WELTE DIRECT: (765) 296 - 4699

ATTACHMENTS: APPENDIX, Appealed Claims

9. APPENDIX - Appealed Claims

1. A method of operating a web site, comprising:

a) identifying a first visitor to the web site;

b) performing first background research on the first visitor;

c) based on the background research, selecting first information from a collection of information; and

d) transmitting the first information to the first visitor.

2. Method according to claim 1, and further comprising:

e) identifying a second visitor to the web site;

f) performing second background research on the second visitor;

g) based on the second background research, selecting, from the collection of information, second information which is different from the first information; and

h) transmitting the second information to the second visitor.

3. Method according to claim 1, wherein the first background research comprises contacting another web site.

4. Method according to claim 2, wherein the second background research comprises contacting said other web site.

5. A method of operating a web site, comprising:

a) receiving an inquiry from a visitor to the web site;

b) estimating whether the visitor possesses selected characteristics;

c) based on the estimate, selecting first information from a collection of information;

d) in response to the inquiry, selecting second information; and

e) compiling the first and second information into a message, and transmitting the message to the visitor.

6. Method according to claim 5, wherein the message comprises a web page.

7. Method according to claim 5, wherein the message comprises an electronic mail message.

8. Method according to claim 5, wherein the selected characteristics comprise specific identity of the visitor.

9. Method according to claim 8, wherein the selected characteristics contain no characteristics in addition to the specific identity of the individual.

10.   A method of operating a web site, comprising:

a)   receiving an inquiry from a visitor to the web site;

b)   ascertaining identity of the visitor;

c)   based on the identity, deriving visitor-specific information;

d)   based on the inquiry, deriving response information; and

e)   compiling the visitor-specific information and the response information into a message, and transmitting the message to the visitor.

11.   Method according to claim 10, wherein the message comprises a web page.

12.   Method according to claim 10, wherein the message comprises an electronic mail message.

13.   A method of operating a web site, comprising:

a)   receiving an inquiry from a visitor to the web site;

b)   making an estimate of selected characteristics of the visitor;

c)   asking the visitor whether customer-specific information is desired and, if so, deriving customer-specific information from a collection of information based on the estimate;

d)   based on the inquiry, selecting second information from

the collection; and

e) compiling the customer-specific information and the second information into a message, and transmitting the message to the visitor.

14. Method according to claim 1, wherein the first information is made visible to the first visitor.

15. Method according to claim 2, wherein the second information is made visible to the second visitor.

16. Method according to claim 5, wherein the first and second information are made visible to the visitor.

17. Method according to claim 10, wherein the visitor-specific information and the response information are made visible to the visitor.

18. Method according to claim 13, wherein the customer-specific information and second information are made visible to the visitor.